

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARCOS RAYOS,

Plaintiff,

v.

WILLIE O. SMITH, et al.,

Defendants.

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Case No. 1:15-cv-1153

HONORABLE PAUL L. MALONEY

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendant Huss filed a motion for summary judgment. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on February 27, 2020, recommending that this Court grant the motion and enter judgment.<sup>1</sup> The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

**IT IS HEREBY ORDERED** that the Report and Recommendation (ECF No. 255) is APPROVED and ADOPTED as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Motion for Summary Judgment (ECF No. 243) is GRANTED.

**IT IS FURTHER ORDERED** that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith. *See McGore v. Wrigglesworth*,

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<sup>1</sup> Defendants Washington and Smith were dismissed upon initial screening (ECF No. 8), Defendant Thurby was dismissed by prior order (ECF No. 219), Defendants Scott, Kelly, and Ryske were dismissed by prior order (ECF No. 119), and Defendants Nevins, Sanders, Guiles, and Kerr were dismissed by prior order (ECF No. 238).

114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

A Judgment will be entered consistent with this Order.

Dated: April 21, 2020

/s/ Paul L. Maloney  
Paul L. Maloney  
United States District Judge